UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 May 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4-20 and 22-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-2,4-20, 22-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the Applicant's response filed 5/7/08.

As indicated in Applicant's response, claims 1-2, 4-5, 8-9, 12, 15, 18, 22, 25 have been

amended. Claims 1-2, 4-20, 22-27 are pending in the office action.

The submitted Terminal Disclaimer filed 4/04/08 has been acknowledged and approved.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 8-9, 11-15, 17-20, 22, 24-27 are rejected under 35 U.S.C. 102(e) as being

anticipated by Broussard et al, USPN: 6,912,710 (hereinafter Broussard).

As per claim 8, Broussard discloses a computer based system for automatically

maintaining at least one deployment descriptor, comprising at least one computer and:

a parser operable to generate a first representation of the at least one deployment

descriptor based on the deployment descriptor's file (col 6 line 64 to col. 7 line 7; *XML 130,*

convert 144, DOM object Descriptors 132 – Fig. 2);

a generator operable to create a second representation (*verify that its attributes are*

correct, if not, correct them ... add an entirely new element ... Integrate changes in the change

list in the DOMObject ... updateDom( ) ... generate new software– pseudocode: col. 11, lines 1-

39) of the at least one deployment descriptor based on at least one application source code file

associated with the at least one deployment descriptor;

a builder operable to compare the first representation with the second representation;

wherein the builder is further operable to update the first representation to create an updated first

representation based on the second representation if the at least one application source code file

of the second representation is modified (e.g. col. 10, lines 11-19; col. 11, line 57 to col. 12 line

51; *make changes and corrections to* - col. 7 line 54 to col. 8, line 9);

wherein the system is operable to automatically generate a replacement deployment

descriptor based on the at least one application source code file if the Broussard discloses

deployment descriptor is defective (*verify that its attributes are correct, if not, correct them …*

add an entirely new element … Integrate changes in the change list in the DOMObject …

updateDom( ) … generate new software– pseudocode: col. 11, lines 1-39); and

wherein the system is operable to generate generating new deployment descriptors from

the updated first representation (*add an entirely new element* - pseudocode: col. 11, lines 1-39).

As per claim 9, Broussard discloses generator operable to produce the at least one

deployment descriptor (Note: retrieving the corresponding XML description file for deriving

DOM objects reads on produce deployment descriptor from a application source code – see

pseudo code: col. 10, bottom; col. 7, lines 39-43) from at least one application source code file.

As per claim 11, Broussard discloses deployment descriptor can be expressed as an

Extensible Markup Language document (col. 3 lines 23-29).

As per claim 12, Broussard discloses wherein information is not deleted from the first

representation (e.g. col. 10, lines 11-19; col. 11, line 57 to col. 12 line 51; Fig 1-3 - Note:

updating derived DOM object on a Wizard reads on not deleting XML information of DOM

Description elements but merely synchronizing it with the source file) after the first

representation is updated

As per claim 13, Broussard discloses wherein information in the second representation

that is not in the first representation is added to the first representation (col. 10, lines 11-19; col.

11, line 57 to col. 12 line 51; Fig 1-3; *that are missing or inconsistent ... presents the results of*

the contrast ... make changes and corrections - col. 7 line 54 to col. 8, line 9).

As per claim 14, Broussard discloses wherein a user can modify information in the

second representation (e.g. from manually adding – col. 8 lines 30-46; *for resolution* – col 9 lines

23-35).

As per claim 15, Broussard discloses a method for updating at least one deployment

descriptor, comprising:

creating a first representation (e.g. DOMObject 132 – Fig. 1-2; col.6 line 61 to col 7 line

12) of the at least one deployment descriptor based on the deployment descriptor's file (XML

130, Fig. 1-2);

creating a second representation (new DOMObject - col. 10, pseudocode: lines 39-67) of

a second at least one deployment descriptor based on at least one application source code file

associated with the at least one deployment descriptor;

comparing the first representation with the second representation and updating the first

representation to create an updated first representation based on the second representation if the

at least one application source code file of the second representation is modified (col. 10, lines

11-19; col. 11, line 57 to col. 12 line 51; Fig 1-3; *that are missing or inconsistent ... presents the results of the contrast ... make changes and corrections* - col. 7 line 54 to col. 8, line 9); and

generating new deployment descriptors (*add an entirely new element* - pseudocode: col. 11, lines 1-39) from the updated first representation.

As per claim 17-20, refer to claims 11-14 respectively.

As per claim 22, Broussard discloses a machine readable medium having instructions stored thereon that when executed by a processor cause a system to:

create a first representation of the at least one deployment descriptor based on the deployment descriptor's file;

create a second representation of a second at least one deployment descriptor based on at least one application source code file;

compare the first representation with the second representation;

update the first representation to create an updated first representation based on the second representation if the at least one application source code file of the second representation is modified; and

generating new deployment descriptors from the updated first representation;

all of which limitations having addressed in claim 15, correspondingly.

As per claim 24-27, refer to claims 11-14 respectively.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-2, 4-5, 7 are rejected under 35 U.S.C. 103(a) as being un-patentable under

Broussard et al, USPN: 6,912,710 (hereinafter Broussard).

       As per claim 1, Broussard discloses a computer based system for automatically

maintaining at least one deployment descriptor, comprising at least one computer and:

       a parser operable to generate a representation (e.g. *converting XML … to DOM object –*

col 6 lines 64 to col. 7 line 7) of the at least one deployment descriptor;

       a generator operable to create the at least one deployment descriptor (e.g. col 6 line 64 to

col. 7 line 7; *XML 130, convert 144, DOM object Descriptors 132 –* Fig. 2);

       a validator operable to validate (e.g. *introspect (DOMObject , string JPackage) … verify*

– col. 11, 1-39 – Note: *DOMObject* reads on deployment descriptor item – see *DOMObject*

contains deployment descriptions - col. 10 bottom) the at least one deployment descriptor;

       a graphical user interface (GUI) operable to at least invoke the parser (e.g. Fig. 1-3; col 7

line 47 to col. 8, line 9);

       wherein the system is operable to automatically generate a replacement deployment

descriptor based on at least one application source code file associated with the at least one

deployment descriptor if the at least one deployment descriptor is defective (e.g. col. 10, lines

11-19; *Deployment Description which is typically an XML file … update the deployment*

descriptor and the application … introspect (DOMObject … JPackage) … look it up in the

DOMObject, and verify that its attributes are correct, if not, correct them … add an entirely new

element … Integrate changes in the change list in the DOMObject … updateDom( ) … generate

new software– col. 10: pseudocode, bottom half to col. 11, line 39 – Note: code to *instrospect*

discrepancies between XML Description file derived objects as in a DOM and target application software in order to integrate changes and present these adjusted objects for confirmation leading to the most update descriptor reads on generate a replacement descriptor based on defective descriptor being improper – see *synchronization of source code with deployment descriptor* – col. 11, line 57 to col. 12 line 51).

Broussard disclose hierarchy of DOM resources for user to be displayed an notification, to select, confirm or edit (see Fig. 1; col. 6 lines 61 to col. 7, line 12; col. 10, lines 11-19; col. 9 lines 18-29) but does not explicitly wherein the GUI can include settings pane, message area, and toolbar; but based on Broussard's browser/Windows based environment (see col. 4-5) with manipulating of XML resources and NW related Java classes using GUI tool (e.g. wizard, Display – Fig. 1; col. 7 lines 30-35) for editing and providing user input, it would have been obvious for one skill in the art at the time the invention was made to implement the GUI and IDE wizard by Broussard so that user selectable items are supported by standard windows GUI components like panes, message area, and toolbar because these components in a wizard would more efficiently support the wizard and user role as contemplated by Broussard.

Nor does Broussard explicitly disclose wherein the system *is operable to* automatically deploy an application associated with the at least one deployment descriptor. But based on the code generation using updated descriptor for a target software by Broussard (see Application 120 -Fig. 1-2) and Java applicability for deployment in different NW and industrial application (see col. 4-5) as described in Broussard' s approach of using a wizard to create code, the code generated is deemed operable for deploying said Object-Oriented target application. It would have been obvious for one skill in the art at the time the invention was made to implement the

tool by Broussard so that this tool along with the generated code would *be operable to*

automatically deploy the application as endeavored by Broussard whereby any changes in the

required source code with respect to deployment description respective content would be

automatically updated or synchronized, as set forth in Broussard (see Summary)

     As per claim 2, Broussard discloses wherein the validator is further operable to generate

an error when it encounters a syntactic or semantic fault in the at least one deployment

descriptor, use the GUI to display a selectable error message (e.g. *method does not exist ...*

presents it to a programmer – col. 9, lines 29) to a user;

     But Broussard does not explicilty disclose validator to select a node corresponding to the

selectable error message in response to a user's selection of the selectable error message, and

cause fields of the node to be displayed by the GUI. Based on the resolution requiring

confirmation by the user/developer (e.g. *presents to a programmer a view of configurable items -*

col. 10 lines 10-19 ; reflect 124, conform 114, User revisions 136 – Fig. 3) and detecting of

unsynchronized DOM items with respect to a source code (col. 10: pseudocode, bottom half to

col. 11, line 39), the role played by user selection is emphasized while Broussard's DOM data is

being viewed as node of a DOM tree to enable user to visualize any validation result suggests

user possibility of selecting one node to validate. It would have been obvious for one skill in the

art at the time the invention was made to implement the viewer aspect of Broussard wizard

validation module so that a viewed node of a DOM for which introspection yields a indication of

error or success is selectable by the user such that this would trigger the wizard to dynamically

show additional information like a cause of a error or possible correction therefor (as suggested

above for user to confirm or revise; see col. 6 lines 18-27) so as to enable resolution by the user

as, that is, an immediate resolution being a necessary functionality of a wizard.

As per claim 4, Broussard discloses generator operable to produce the at least one

deployment descriptor (Note: retrieving the corresponding XML description file for deriving

DOM objects reads on produce deployment descriptor from a application source code – see

pseudo code: col. 10, bottom; col. 7, lines 39-43) from at least one application source code file.

As per claim 5, Broussard discloses a builder component operable to automatically

update the at least one deployment descriptor (e.g. *verify that its attributes are correct, if not,*

correct them ... add an entirely new element ... Integrate changes in the change list in the

DOMObject ... updateDom( ) ... generate new software– pseudocode: col. 11, lines 1-39; *writes*

the updated deployment descriptions to the ... deployment descriptor ...complete synchronization

– col. 12 lines 40-51) to reflect one or more changes in at least one application source code file.

As per claim 7, Broussard discloses deployment descriptor can be expressed as an

Extensible Markup Language document (col. 3 lines 23-29).

6.   Claim 6, 10, 16, 23 is rejected under 35 U.S.C. 103(a) as being un-patentable under

Broussard et al, USPN: 6,912,710 in view of WebLogic Server 6.1: *Developing Weblogic Server*

J2EE Applications, 10/22/2001, pp. 1-20,

<http://web.archive.org/web/20011022014739/edocs.bea.com/wls/docs61/programming/environ

ment.html> (hereinafter WLS_6.1)

As per claim 6, Broussard does not disclose the descriptor representation can include

information pertaining to at least one of: a Java TM archive (JAR), a Web Archive (WAR), an

Enterprise Archive (EAR), and a Java TM Connector Architecture Component (RAR).

Broussard disclose Java software package in a Sun Microsystems application and network –

based development of Java APIs (col.3 lines 22-29; JAIN, SLEE, develop APIs for integral

network - col. 4; *JPackage* - col. 10, pseudocode) and container with CMP fields (col. 8, lines

10-25); and software package known for deployment and communicated within analogous Java

based network is taught in WLS_61. WLS_61 discloses *war* or *jar* files being communicated in

development environment using HTML and XML to incorporate Java APIs that make up J2EE

beans and creation of deployable *ear* file(steps 4-7, pg. 2; steps 4-6, pg. 3-4; 1-7, pg. 4-5). It

would have been obvious for one skill in the art at the time the invention was made to implement

Broussard's Java package as WAR, JAR or EAR file as taught above, because these file in a

particular compressed format according to their specific protocol would enable package to be

retrieved and developed using browser methodologies such as J2EE, Java API and XML

deployment description as set forth in WLS_61 and in Broussard.

As per claim 10, refer to the rationale of claim 6.

As per claim 16, refer to the rationale of claim 6.

As per claim 23, refer to claim 6.

Response to Arguments

7.   Applicant's arguments filed 5/07/08 have been fully considered but they are now moot in

view of the new grounds of rejection. Following are the Examiner's observation in regard

thereto.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The

examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is

assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before

using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-

272-3609.

Any inquiry of a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

May 25, 2008